

200311912-1

10/611,393

REMARKS

This is a full and timely response to the non-final Official Action mailed December 28, 2007 (the "Office Action" or "Action"). Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

No amendments to the claims are proposed by the present paper. Thus, claims 1, 3-41, 43 and 44 are currently pending for further action.

Allowable Subject Matter:

In the recent Office Action, the Examiner allowed claims 4-40. The Examiner further indicated the presence of allowable subject matter in dependent claim 43. Applicant wishes to thank the Examiner for the allowance or indicated allowability of these claims.

Applicant agrees with the Examiner's conclusions regarding the patentability of these claims without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the indicated claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the claims or claimed subject matter may be paraphrased.

Prior Art:

The recent Office Action rejects claims 1, 3, 41 and 43 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,024,548 to Alonso et al. ("Alonso"). For at least the following reasons, this rejection should be not sustained.

200311912-1

10/611,393

Claim 1 recites:

An ink over-spray containment apparatus, comprising:
a first member having a first fluidic transport coefficient and a first ink affinity;
a second member coupled to said first member, said second member having a second fluidic transport coefficient lesser than said first fluidic transport coefficient and a *second ink affinity greater than said first ink affinity*;
wherein said first member comprises porous plastic.
(Emphasis added).

As explained in Applicant's specification and as recited in claim 1, the fluidic transport coefficient and ink affinity are two properties of the first and second members that can vary with some independence. Applicant's specification expressly states that "fluidic transport coefficient shall refer broadly to a material's ability to move a fluid. In addition, ink affinity shall refer broadly to a material's tendency to adsorb ink." (Applicant's specification, paragraph 0015).

Claim 1 expressly recites that while the fluidic transport coefficient of the second member is less than that of the first member, the ink affinity of the second member is greater than that of the first member; "said second member having a second fluidic transport coefficient lesser than said first fluidic transport coefficient and a second ink affinity greater than said first ink affinity." Thus, the two properties, the fluidic transport coefficient and ink affinity, can and do vary with some independence as recited in claim 1.

In contrast, both the recent Office Action and Alonso utterly fail to address this distinction between the fluidic transport coefficient and ink affinity. Alonso, as cited by the recent Office Action, teaches "a liquid absorbing assembly with two porosities." (Alonso, title). According to Alonso,

The ink mist absorbing assembly 13 includes a support frame 17, which is formed of a suitable plastic material such as polypropylene, for example, a first porous material 18, and a second porous material 19. The first porous material 18 has a

200311912-1

10/611,393

greater porosity than the second porous material 19 since the pores in the first porous material 18 are larger than those in the second porous material 19.
(Alonso, col. 2, lines 34-41).

Alonso further explains that

The rate of transfer of the ink from the first porous material 18 to the second porous material 19 is dependent upon the viscosity of the ink, the pore size openings of the porous materials 18 and 19, and the thickness of the first porous material 18. Thus, the first porous material 18 is relatively thin to enable a rather rapid rate of transfer of the ink from the first porous material 18 to the second porous material 19.
(Alonso, col. 3, lines 33-40).

Thus, Alonso addresses the rate of fluid transfer between two materials have differently sized pores and consequently different porosities. Alonso does not teach, suggest or even mention the concept of "ink affinity."

As expressly recited in claim 1, the ink affinity of the second member is higher than that of the first member, even though the second member has a lesser fluidic transport coefficient than the first member, i.e., "said second member having a second fluidic transport coefficient lesser than said first fluidic transport coefficient and a second ink affinity greater than said first ink affinity." Alonso utterly fails to teach, suggest or even mention the relative ink affinity feature of the first and second members in claim 1.

Therefore, Alonso fails to teach or suggest the claimed "second member having a second fluidic transport coefficient lesser than said first fluidic transport coefficient and a second ink affinity greater than said first ink affinity." "A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, the rejection based on Alonso of claim 1 and its dependent claims should be reconsidered and withdrawn.

200311912-1

10/611,393

Claim 3 recites "wherein said second member comprises needle felt." According to the recent Office Action, this subject matter is taught by Alonso at col. 3, lines 25-32. (Action, p. 3). However, this portion of Alonso does not teach, suggest or even mention needle felt as a material for use in an ink over-spray containment apparatus as recited in claims 1 and 3.

Again, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, the rejection based on Alonso of claim 3 should be reconsidered and withdrawn.

Claim 41 recites:

An ink over-spray containment system, comprising:
ink transport means for transporting ink away from a sprayed surface having an ink affinity and a fluidic transport coefficient;
ink containment means for containing said ink, *said ink containment means having greater ink affinity and lesser fluidic transport characteristics than said ink transport means*; and
a compressed member coupled to said ink transport means or said ink containment means for actively applying a force to said ink transport means and said ink containment means to increase a contact surface area between said ink transport means and said ink containment means.

(Emphasis added).

In contrast, as demonstrated above, Alonso does not teach, suggest or even mention the concept of ink affinity. Consequently, Alonso does not teach or suggest the claimed "ink containment means for containing said ink, *said ink containment means having greater ink affinity and lesser fluidic transport characteristics than said ink transport means.*"

200311912-1

10/611,393

Additionally, Alonso does not teach or suggest the claimed “compressed member coupled to said ink transport means or said ink containment means for actively applying a force to said ink transport means and said ink containment means to increase a contact surface area between said ink transport means and said ink containment means.” Alonso does not teach or suggest this subject matter.

In this regard, the recent Office Action refers to elements 17 and 20 in Fig. 1. (Action, p. 4). According to Alonso, these elements are as follows. “The ink mist absorbing assembly 13 includes *a support frame 17*, which is formed of a suitable plastic material such as polypropylene.” (Alonso, col. 2, lines 34-41) (emphasis added). “The support frame 17 has a bottom flange 20 supporting the bottom edges of the first porous material 18 and the second porous material 19.” (Alonso, col. 2, lines 42-44).

Thus, elements 17 and 20 of Alonso are a support frame made of plastic such as polypropylene. Clearly, this rigid plastic support frame is not “a compressed member” for “actively applying a force to said ink transport means and said ink containment means to increase a contact surface area between said ink transport means and said ink containment means.” Elements 17 and 20 of Alonso are taught merely as being supports. Alonso never teaches or suggests that elements 17 and 20 actively apply a force to increase a contact surface area between, absorptive materials.

Consequently, Alonso does not teach or suggest either of the claimed “ink containment means having greater ink affinity and lesser fluidic transport characteristics than said ink transport means” or the claimed “compressed member coupled to said ink transport means or said ink containment means for actively applying a force to said ink transport means and said ink containment means to increase a contact surface area between said ink transport means and said ink containment means.” Again, “[a] claim is anticipated [under 35 U.S.C. §

200311912-1

10/611.393

102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Alonso of claim 41 should be reconsidered and withdrawn.

Claim 44 recites “wherein a platen containing said first and second members is further configured to channel ink from flank portions of said first member to said second member.” Applicant notes that the term “platen” has a well-understood meaning in the art and in Applicant’s specification. As noted in Applicant’s specification, a “platen” is a device that “support[s] the print medium (120) in a print zone (not shown) during a printing operation.” (Applicant’s specification, paragraph 0022).

When the term “platen” is properly defined, it is clear that Alonso does not teach or suggest the subject matter of claim 44. In this regard, the recent Office Action refers to the support frame (17) of Alonso as a “platen.” (Action, p. 4). This is clearly an unreasonable twisting of the term “platen.” The support frame (17) of Alonso has nothing to do with supporting print media in a print zone and, therefore, cannot be considered or referred to as a platen.

Consequently, any teachings of Alonso relevant to support frame (17) have nothing to do with a platen. Therefore, Alonso does not teach or suggest, nor has the Office Action identified in the prior art, a platen like that claimed “containing said first and second members is further configured to channel ink from flank portions of said first member to said second member.”

200311912-1

10/611,393

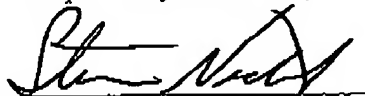
Again, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Alonso of claim 44 should be reconsidered and withdrawn.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims.

If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



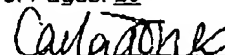
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